

**RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
PUBLIC NOTICE**

Pursuant to the provisions of Chapters 20-1, 42-17.1, 42-17.2 and 42-17.6 of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws of 1956, as amended, the Director of the Department of Environmental Management (DEM) proposes rulemaking relative to the **RI Hunting Regulations For The Waterfowl Season 2011-2012 RI Falconry Regulations for the 2011-2012 Season, Rules and Regulations Governing Nuisance Wildlife Control Specialists , and Rules and Regulations Governing Wildlife Rehabilitation** and gives notice of intent to hold a public hearing to afford interested parties the opportunity for public comment. Public comments will be solicited on the following proposals:

1. **Proposed adoption of the RI Falconry Regulations for the 2011-2012 Season**
2. **Proposed adoption of the RI Hunting Regulations For The Waterfowl Season 2011-2012**
3. **Proposed adoption of the Rules and Regulations Governing Nuisance Wildlife Control Specialists**
4. **Proposed adoption of the Rules and Regulations Governing Wildlife Rehabilitation**

The public hearing will be held on **Monday, August 29, 2011 at 7:00 P.M.** at the North Kingstown Community Center on Beach Street in North Kingstown (off Rt. 1A, just south of Wickford). The hearing room is accessible to the handicapped. A recording of the hearing will be made and the DEM will provide interpreter services for the hearing impaired, provided such a request is made at least 48 hours prior to the hearing date. A request for this service can be made in writing or by calling (401) 222-6800 for TDD (401) 831-5508. Written comments concerning the regulations proposed for promulgation by the DEM may also be submitted to the Division of Fish and Wildlife, 227 Great Neck Rd., West Kingston, RI 02892 no later than 12:00 PM **on August 29 2011.**

The proposed regulations will establish applicable hunting seasons, bag limits, and methods of taking migratory waterfowl, the practice of falconry, amend rules and regulations for nuisance wildlife control., and amend rules and regulations governing wildlife rehabilitation. A copy of all the proposed regulations will be available for examination from **July 29, 2011 through August 29, 2011** by mail or at the offices of the Division of Fish and Wildlife located at 277 Great Neck Rd., West Kingston, RI 02892, weekdays from 8:30 – 4:00 PM or by calling the Division at (401) 789-0281. Electronic copies of the proposed regulations will also be available on the DEM website at [www.dem.ri.gov/programs/bnatres/fishwild/index.htm](http://www.dem.ri.gov/programs/bnatres/fishwild/index.htm)

Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations. DEM has considered alternative approaches to the proposed regulations and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has determined that the proposed regulations do not overlap/duplicate any other State regulations. DEM has determined the proposed regulations will not result in a significant adverse economic impact on small businesses or any city or town. DEM encourages the submission of written comments on the proposed regulations and above determinations prior to the date of the public hearing. All written comments should be sent to the Department at the address indicated above and should be received no later than 12:00 PM on **August 29, 2011.**

Janet Coit  
Director, Department of Environmental Management

***State of Rhode Island and Providence Plantations***  
***Department of Administration***  
***Budget Office***

Fiscal Note for Proposed Administrative Rules (R.I.G.L. Section 22-12-1.1)

**Name of Administrative Rule: State of Rhode Island**  
**Department of Environmental Management**

**Date of Notice:** July 28, 2011

**Date of Hearing:** August 29, 2011

RIGL: These regulations are authorized pursuant to R.I. Gen. Laws Chapters 42-17.1, 20-1, 20-3, and 2-6 as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

---

**FISCAL IMPACT**

<i>Revenues</i>		<i>State Expenditures</i>		<i>City/Town Expenditures</i>	
FY 2011	\$ 0	FY 2011	\$ 0	FY 2011	\$ 0
FY 2012	\$ 0	FY 2012	\$ 0	FY 2012	\$ 0

---

**Summary of Policy Change:** The proposed amendments would amend the regulations governing falconry, seasons and bag limits for waterfowl hunting activities; dates and access availability for recreational users only, rules and regulations for nuisance wildlife control specialists, and wildlife rehabilitators.

**Summary of Fiscal Impact:** There will be no deleterious fiscal effects due to the amendment of these regulations on the state level.

**City or Town Impact:** There should be no impact at the municipal level .

Approved:

---

Thomas A. Mullaney, Executive Director/State Budget Officer  
Department of Administration



**RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

235 Promenade Street, Providence, RI 02908-5767

TDD 401-831-5508

July 28, 2011

**TO:** Peter Dennehy, RI Department of Administration  
Sherri Lynn Carrera, RI Economic Development Corporation  
Kerry King, Office of the Governor

**FROM:** Gary Powers, Deputy Chief, Legal Services  
Department of Environmental Management

**SUBJECT: Economic Impact and Regulatory Flexibility**

**Relevant Regulations Affected:**

- 1. RI Hunting Regulations for the Waterfowl Season 2011-2012**
- 2. RI Falconry Regulations for the 2011-2012 Season**
- 3. Rules and Regulations Governing Nuisance Wildlife Control Specialists**
- 4. Rules and Regulations Governing Wildlife Rehabilitation**

**Authority:**

Waterfowl Hunting Regulations: These regulations are adopted in accordance with Sections 20-1-4, 20-1-12 and 20-1-13, 20-2-35, 20-2-37 as well as Chapters 42-17.1 and 42-17.6, consistent with the requirements of Chapter 42-35, Administrative Procedures Act of the General Laws of 1956, as amended.

Falconry Regulations : These regulations are adopted in accordance with Sections 20-1-4, 20-1-12, and 20-1-13, as well as Chapter 42-17.1 "DEM", 42-17.6, consistent with the requirements of 42-35, Administrative Procedures Act of the General Laws of 1956, as amended.

Rules and Regulations Governing Nuisance Wildlife Control Specialists: These regulations are adopted in accordance with Sections 20-1-18 and 20-1-22 as well as Chapter 42-35 , Administrative Procedures Act of the General Laws of 1956, as amended.

Rules and Regulations Governing Wildlife Rehabilitation: These regulations are adopted in accordance with Sections 20-1-4, 20-1-18, 20-1-22, 20-37-3 as well as Chapters 42-17.1 "DEM", 42-17.6 consistent with the requirements of 42-35, Administrative Procedures Act of the General Laws of 1956, as amended.

**Summary of Proposed Regulation Changes:**

The Waterfowl Hunting Regulations are required pursuant to RIGL §20-1-13 to remain in effect for no longer than one year following their effective date. As such, the Department is required to promulgate these regulations annually. Regulation changes pertain to calendar date changes, hunting season and bag limits. RI Falconry Regulation changes pertain to date changes only. The Rules and Regulations Governing Nuisance Wildlife Control changes pertain to the species identification and requirements for the rehabilitation of orphaned rabies vector species and the means allowed for the taking of nuisance animals. The Rules and Regulations Governing Wildlife Rehabilitation changes pertain to sub-permittee prohibitions

regarding handling raptors and rabies-vector species, Level 1 apprenticeship requirements, application requirements, non rabies vector rehabilitated release exceptions, and rabies vector orphaned, young rehabilitation exceptions.

**Where to find the specific language changes: Drafts [www.dem.ri.gov](http://www.dem.ri.gov)**

- 1. RI Hunting Regulations for the Waterfowl Season 2010-2011 – Newly Adopted**
- 2. RI Falconry Regulations for the 2010-2011 Season – Newly Adopted**
- 3. Rules and Regulations Governing Nuisance Wildlife Control Specialists – Newly Adopted**
- 4. Rules and Regulations Governing Wildlife Rehabilitation – Newly Adopted**

**Economic Impact:**

Per RIGL §42-35.1-3

1. The proposed regulations for waterfowl and falconry governs recreational sporting activities. The Nuisance Wildlife Control Specialist regulations and the Wildlife Rehabilitation regulations concern the handling and disposition of nuisance species and rehabilitation species candidates and the impact upon species populations and public health. The Department believes that none of its proposed rule making has a potential for causing a direct financial impact upon either small business or any municipality.
2. There are no anticipated reporting, recordkeeping, or other administrative costs required for compliance with the proposed rules.
3. DEM has not identified a less intrusive or less costly alternative method to achieve the requirements mandated upon the Department to regulate the natural resources of this State.

**Regulatory Flexibility:**

Per RIGL §42-35.1-4

DEM has considered, without limitation, each of the following methods of reducing the impact of the proposed regulation on small businesses and determined that there is no alternative approach that would be as effective and less burdensome, given the requirements of upon the Department to regulate the natural resources of this State:

- 1) The establishment of less stringent compliance or reporting requirements for small businesses;
- 2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- 3) The consolidation or simplification of compliance or reporting requirements for small businesses;
- 4) The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and
- 5) The exemption of small businesses from all or any part of the requirements contained in the proposed regulation .

These rules to implement the Tolling Statute will likely aid small businesses by foregoing the cost and time associated with reapplication for permits that would otherwise have expired prior to June 30, 2011.

If you have any questions or comments on the proposed Rules, please contact one of the following:

Larry Mouradjian, Assistant Director

[Christine.Dudley@dem.ri.gov](mailto:Christine.Dudley@dem.ri.gov)

401-222-4700 Ext 2414

Gary Powers, Deputy Chief Legal Counsel

[Gary.powers@dem.ri.gov](mailto:Gary.powers@dem.ri.gov)

401-222-4700 Ext 2308

July 28, 2011

**NOTIFICATION FORM  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
DIVISION OF FISH AND WILDLIFE  
SMALL BUSINESS REGULATORY IMPACT AND REGULATORY  
FLEXIBILITY ANALYSIS**

**Title of Regulation:** RHODE ISLAND HUNTING REGULATIONS FOR THE  
WATERFOWL SEASON 2011-2012

RHODE ISLAND FALCONRY REGULATIONS FOR  
THE 2011-2012 SEASON

RULES AND REGULATIONS GOVERNING NUISANCE WILDLIFE  
CONTROL SPECIALISTS

RULES AND REGULATIONS GOVERNING WILDLIFE  
REHABILITATION

**Statutory Authority:** RIGL Chapter 31.1 SMALL BUSINESS REGULATORY FAIRNESS IN  
ADMINISTRATIVE PROCEDURES

**The Regulation:**

The purposed rule changes would amend the regulations governing the seasons and bag limits for waterfowl hunting activities, falconry regulations and access availability for recreational users only. The proposed changes for wildlife control specialists and rehabilitators would amend the qualifications of operators and requirements as to the handling of species.

**Expected Small Business Impact:**

There will be no deleterious effects on small businesses. The proposed regulations will, if anything, improve the financial climate for small businesses that might assist recreational users in the increase in trade of needed commodities.

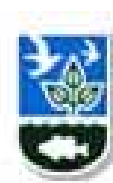
**Regulatory Flexibility Analysis:**

The RIDFW has determined that no small businesses may be impacted by the proposed regulations.



State of Rhode Island and Providence Plantations  
Department of Environmental Management  
Division of Fish and Wildlife

# **RI FALCONRY REGULATIONS FOR THE 2011-2012 SEASON**



**Draft August 29, 2011**

**AUTHORITY:** These regulations are adopted pursuant to Chapter 42-17.1 “DEM”, 42-17.6, 42-35 Administrative Procedures Act, and §§ 20-1-4; 20-1-12; 20-1-13; of the Rhode Island General Laws of 1956, as amended.

State of Rhode Island and Providence Plantations  
Department of Environmental Management  
Division of Fish and Wildlife

# RI Falconry Regulations for the 2011-2012 Season

## TABLE OF CONTENTS

Rule 1	Purpose .....	iii
Rule 2	Authority .....	iii
Rule 3	Application .....	iii
Rule 4	Severability .....	iii
Rule 5	Superseded Rules and Regulations .....	iii
Rule 6	Definitions .....	iii
Rule 7	Regulations .....	1-2
Rule 8	Effective Date .....	iv



## RI Falconry Regulations for the 2011-2012 Season

- Rule 1 Purpose**  
The purpose of these rules and regulations to establish regulations for the practice of falconry.
- Rule 2 Authority**  
These rules and regulations are promulgated pursuant to Chapter 42-17.1, "DEM", 42-17.6, 42-35 Administrative Procedures Act, and §§ 20-1-4; 20-1-12; 20-1-13; of the Rhode Island General Laws of 1956, as amended.
- Rule 3 Application**  
The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.
- Rule 4 Severability**  
If any provisions of these Rules and Regulations, or application thereof to any person or circumstances, are held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.
- Rule 5 Superseded Rules and Regulations**  
On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of RIGL Sections 20-1-4, 20-1-12, 20-1-13, and in accordance with Chapter 42-35 Administrative Procedures Act shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.
- Rule 6 Definitions**  
(a) **Falconry** - the sport of taking or attempting to take any species of animal by means of a trained raptor;  
(b) **Falconer** - a person who engages in the sport of falconry;  
(c) **Raptor** - a live migratory bird of the order *Falconiformes* or the order *Strigiformes* other than a bald eagle *Haliaeetus leucocephalus* or a golden eagle *Aquila chrysaetos*.
- Rule 7 Regulations**  
As follows:

State of Rhode Island  
Department of Environmental Management  
DIVISION OF FISH AND WILDLIFE

## **RI Falconry Regulations for the 2011-2012 Season**

1. Any resident of Rhode Island engaging in falconry or training raptors in Rhode Island shall possess a valid falconry permit issued by the Director of the Department of Environmental Management or his designee and shall comply with 50 CFR 21.28 and 21.29, which are adopted in their entirety as part of these regulations. Falconry permits shall expire annually on the last day of February.
2. The permittee shall submit on or before March 15 of each year, a falconry report to the Department of Environmental Management's Division of Fish and Wildlife containing the following information: a list of raptors that are in or had been in his/her possession during the last calendar year; marker numbers, sex, and age of raptors; where raptor acquired; and whether the bird is still his/her possession; escaped, died, or had been released; and when the escape, death, or release occurred.
3. Falconers must possess a current and valid Rhode Island hunting license, and all other licenses or permits as may be required for the respective hunting season.
4. Falconers that breed raptors, must comply with Chapter 20-17 of the General Laws of Rhode Island, 50 CFR 21.27 through 21.30, and must submit copies of annual reports of activities to the Department of Environmental Management's Division of Fish and Wildlife at the same time that Federal reports are required.
5. Falconers must have in their possession all required permits or copies thereof when engaged in falconry activities.
6. The holder of a valid State falconry permit issued by another State which meets Federal falconry standards listed in 50 CFR 21.29(k) may practice falconry in Rhode Island for up to 30 consecutive days each calendar year with a permit issued by the Division of Fish and Wildlife. Written authorization from the Department is required in advance if any raptors are brought or intended to be brought into Rhode Island for more than 30 days.
7. First year passage red tailed hawks *Buteo jamaicensis*, sharp-shinned hawk *Accipiter striatus*, Coopers hawk *Accipiter cooperii*, northern goshawk *Accipiter gentilis*, or Merlin falcon *Falco columbarius* may be taken from the wild only during the time period October 1 through December 31 annually with a valid capture permit issued by the Department of Environmental Management's Division of Fish and Wildlife.

8. No person shall be issued a Rhode Island non-resident falconry permit of a higher class than the one held in another state. Any person who becomes a resident of the state and holds a valid falconry permit in another state shall be permitted to obtain the same class resident permit in Rhode Island.
9. A permittee, whose hunting/training raptor accidentally kills game that is out of season or of the wrong species or sex, shall leave the dead quarry where it lies, except that the raptor may feed upon the quarry prior to leaving the site of the kill.
10. Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed those limits as published in 50 CFR Part 20 Migratory Bird Hunting; final frameworks for early-season migratory bird hunting, final rule, promulgated annually by the U.S. Department of the Interior.
11. Hunting hours shall conform to respective hunting seasons.
12. All other Rhode Island hunting regulations apply.
13. Special permit required from Division of Fish and Wildlife (401) 568-2248.
14. Falconry permit holders must be 15 years of age or older.
15. Applicants must pass the Division-administered exam with a score of 80% or higher. Failure to pass the exam will render the applicant ineligible to retake the examination for a period of 90 days from the date of examination.
16. A person who holds an apprentice class falconry permit shall, before the issuance of a general falconry permit, have at least two years experience in the practice of falconry at the apprentice level. Experience shall be defined as the active pursuit of wild quarry with the applicant's raptor(s) for at least two hunting seasons. The apprentice's sponsor shall verify this experience in writing. The Division of Fish and Wildlife will furnish the release form. No falconry permit of a higher class will be issued until the Division approves the sponsor's release, and additionally passes a mandatory written and field test administered by the Division of Fish and Wildlife.
17. Non-residents will not be able to obtain a newly issued Rhode Island Falconry Permit after January 1, 1998, except as provided in Rule 8.

## **RULE 8      EFFECTIVE DATE**

The foregoing Rules and Regulations - **R.I. Falconry Regulations for the 2011-2012 Season**, after due notice, are hereby adopted and filed with the Secretary of State to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 42-35, 42-17.1 and 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

---

Janet Coit, Director  
Rhode Island Department of Environmental Management

Notice Given:      07/29/2011  
Public Hearing:    08/29/2011

Filing Date:  
Effective Date: